

APPEAL NO. 041081
FILED JUNE 9, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was scheduled for March 8, 2004, but reset to and held on April 14, 2004. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not sustain a compensable repetitive trauma injury with a date of injury of _____. The claimant appeals the hearing officer's determination, essentially on the basis that her testimony and evidence were sufficient to meet her burden of proof on the disputed issue. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant claimed that she sustained a repetitive trauma injury from performing her work activities and those of a coworker whose duties she had to assume during the coworker's absences. The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36). The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determination against the claimant on the issue of compensable repetitive trauma injury is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **UNITED STATES FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PAUL DAVID EDGE
6404 INTERNATIONAL PARKWAY, SUITE 1000
PLANO, TEXAS 75093.**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge